

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT PLUMA,

Plaintiff,

-against-

THE CITY OF NEW YORK, a municipal entity; NEW YORK CITY POLICE SERGEANT CARL SORECO, NEW YORK CITY POLICE OFFICER MEGHAN O'LEARY, NEW YORK CITY POLICE OFFICER CHRISTOPHR VEGA, MEMBER OF SERVICE DUNLOP, POLICE OFFICER RAMON HERNANDEZ, POLICE OFFICER ANTHONY PONS, POLICE OFFICER RICHARD McGUIRE, POLICE OFFICER ANTHONY BARBIERI, SERGEANT DANIEL O'GRADY, SERGEANT BENJAMIN BELLINGERI, MEMBER OF SERVICE VINCENT SETTEDUCATO, MEMBER OF SERVICE COREY WHITE, POLICE OFFICER DANA PALOMO, CAPTAIN JOHN DUFFY, CAPTAIN FALCON, "JOHN DOE SECOND PEPPER SPRAY OFFICER", JOHN DOE BALDING SENIOR OFFICER, and JOHN DOE P.O. VEGA SUPERVISORS 1-4,

Defendants,

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**SUPPLEMENTAL NOTICE
OF MOTION PER THE
COURT'S NOVEMBER 9,
2015 ORDER**

13 CV 2017 (LAP)

PLEASE TAKE NOTICE that upon the Notice of Motion dated August 7, 2015, the Declaration of Andrew Lucas, dated August 7, 2015, and the exhibits annexed thereto, the accompanying Memorandum of Law, dated August 7, 2015, the Reply Memorandum of Law dated September 17, 2015, and the Supplemental Memorandum of Law, dated December 9, 2015, and all pleadings and proceedings previously had herein, defendants City of New York, Anthony Barbieri, Benjamin Bellingeri, Captain John Duffy, Member of Service Dunlop, Captain Falcon, Ramon Hernandez, Richard McGuire, Daniel O'Grady, Meghan O'Leary, Dana Palomo, Anthony Pons, Vincent Setteducato, Carl Soreco, Christopher Vega, and Corey White,

will move before the Honorable Loretta A Preska, on December 9, 2015, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York for an Order pursuant to Fed. R. Civ. P. 12(c), 12(b), and 12(f), to dismiss the complaint against defendants for plaintiff's failure to state a claim upon which relief can be granted, for lack of subject matter jurisdiction and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Court's November 19, 2015 order, docket entry [83], any opposition must be filed by December 23, 2015. Reply papers must be filed by January 7, 2015.

Dated: New York, New York
December 9, 2015

ZACHARY CARTER
Corporation Counsel of the City of New York
Attorney for Defendant City of New York
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New York, New York 10007
(212) 356-2373

By: /s/
Andrew Lucas
Senior Counsel
Special Federal Litigation Division

TO: The Honorable Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Dave Thompson
Stecklow and Thompson
217 Centre Street, 6th Floor
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